

**BOARD REPORT NO. 15-3-2B**

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor

PREPARED BY: Eugene Whitlock, Vice Chancellor, Human Resources and Employee Relations,  
358-6883

**APPROVAL OF DISTRICT EQUAL EMPLOYMENT OPPORTUNITY PLAN**

A proposed Equal Employment Opportunity Plan was presented at the Board meeting of March 25, at which time Board members raised questions that were not immediately answered. Eugene Whitlock, Vice Chancellor of Human Resources and Employee Relations, will address the questions, and revisions made to the Plan in response, at this meeting. A copy of the revised Plan is attached.

As stated in the Introduction section, the Plan's immediate focus is equal employment opportunity in recruitment and hiring policies and practices, pursuant to the applicable Title 5 regulations, and the steps the District will take in the event of underrepresentation of monitored groups. The Plan also includes requirements for a complaint procedure for noncompliance with Title 5 provisions relating to equal employment opportunity programs; complaint procedures in instances of unlawful discrimination; establishment of an Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all; and procedures for dissemination of the Plan.

Title 5 requires that the Board of Trustees approve the Equal Employment Opportunity Plan. The proposed Plan has been presented to the District Participatory Governance Council and, upon approval by the Board, will be submitted to the State Chancellor's Office.

**RECOMMENDATION**

It is recommended that the Board approve the District's Equal Employment Opportunity Plan as attached.



## **EQUAL EMPLOYMENT OPPORTUNITY PLAN**

**July 1, 2015 – June 30, 2018**

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**SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT**  
**EQUAL EMPLOYMENT OPPORTUNITY PLAN**

**1. INTRODUCTION**

The San Mateo County Community College District Equal Employment Opportunity Plan (the “Plan”) was adopted by the governing board on ( ). The Plan reflects the District’s commitment to equal employment opportunity. It is the District’s belief that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment which is welcoming to all will foster diversity and promote excellence. Through an educational experience in an inclusive environment, our students will be better prepared to work and live in an increasingly global society.

The Plan’s immediate focus is equal employment opportunity in its recruitment and hiring policies and practices pursuant to the applicable Title 5 regulations (section 53000 et seq.) and the steps the District shall take in the event of underrepresentation of monitored groups. The Plan contains an analysis of the demographic makeup of the District’s workforce population and an analysis of whether underrepresentation of monitored groups exists. The Plan also includes the requirements for a complaint procedure for noncompliance with the Title 5 provisions relating to equal employment opportunity programs; complaint procedures in instances of unlawful discrimination; establishment of an Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all, and procedures for dissemination of the Plan. To properly serve a growing diverse population, the District will endeavor to hire and retain faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

The Plan will be reviewed by the District at least once every three years and be revised as necessary and submitted to the State Chancellor’s Office. The State Chancellor’s Office retains the authority to review plans on a case-by-case basis.

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Ron Galatolo, Chancellor

\_\_\_\_\_  
Date

## 2. DEFINITIONS<sup>1</sup>

- a. **Adverse Impact:** a statistical measure (such as those outlined in the EEO Commission's *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group protected from discrimination pursuant to Government Code section 12940. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.
- b. **Diversity:** means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socioeconomic backgrounds.
- c. **Equal Employment Opportunity:** means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels in the seven job categories which include executive/administrative/managerial, faculty and other instructional staff, professional nonfaculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and service and maintenance. Equal employment opportunity also involves:
  - (1) identifying and eliminating barriers to employment that are not job related; and
  - (2) creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination pursuant to Government Code section 12940.
- d. **Equal Employment Opportunity Plan:** a written document in which a District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
- e. **Equal Employment Opportunity Programs:** all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.
- f. **Ethnic Group Identification:** means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.
- g. **In-house or Promotional Only Hiring:** means that only existing District employees are allowed to apply for a position.

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<sup>1</sup> Title 5 section 53001. All subsequent references are also to Title 5 unless otherwise specified.

- h. **Monitored Group:** means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).
- i. **Person with a Disability:** any person who (1) has a physical or mental impairment as defined in Government Code section 12926 which limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.
- j. **Reasonable Accommodation:** means the efforts made on the part of the District in compliance with Government Code section 12926.
- k. **Screening or Selection Procedures:** any measure, combination of measures, or procedures used as a basis for any employment decision. Selection procedures include review of application forms, the full range of assessment techniques, including but not limited to traditional skills demonstration tests, physical, educational, and work experience requirements, and interviews.
- l. **Significantly Underrepresented Group:** means any monitored group for which the percentage of persons from that group employed by the district in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

### **3. POLICY STATEMENT<sup>2</sup>**

The San Mateo County Community College District is committed to the principles of equal employment opportunity and diversity and will implement a comprehensive program to put those principles into practice. It is the District's policy to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity, and are not subjected to discrimination in any program or activity of the District on the basis of ethnic group identification, race, color, national origin, religion, age, sex, physical disability, mental disability, ancestry, sexual orientation, language, accent, citizenship status, transgender status, parental status, marital status, economic status, veteran status, medical condition, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District will strive to achieve a workforce that is welcoming to men, women, persons with disabilities and individuals from all ethnic and other groups to ensure the District provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy and free expression of ideas.

The District believes that in order to effectively address and comply with federal and state mandates and the District's goals on equal employment opportunity and diversity, the Board of Trustees, administration, faculty and classified staff must recognize that equal employment opportunity and diversity are shared responsibilities.

An Equal Employment Opportunity Plan will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

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<sup>2</sup> Section 53002.

#### **4. DELEGATION OF RESPONSIBILITY, AUTHORITY AND COMPLIANCE<sup>3</sup>**

It is the goal of the District that all employees promote and support equal employment opportunity because equal employment opportunity requires a commitment and a contribution from every segment of the District. The general responsibilities for the prompt and effective implementation of this Plan are set forth below.

##### **Governing Board**

The Board of Trustees is ultimately responsible for proper implementation of the District's Plan at all levels of District and college operations, and for ensuring equal employment opportunity as described in the Plan. The Board of Trustees is responsible for adopting a plan that is in compliance Title 5 of the California Code of Regulations.

##### **Chancellor**

The Board of Trustees delegates to the Chancellor the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Chancellor shall advise the Board of Trustees regarding statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on Plan implementation. The Chancellor shall evaluate the performance of all administrative staff who report directly to him/her on their ability to follow and implement the Plan.

##### **Equal Employment Opportunity Officer**

The District has designated the Vice Chancellor – Human Resources & Employee Relations as its equal employment opportunity officer who is responsible for the day-to-day implementation of the Plan. If the designation of the equal employment opportunity officer changes before this Plan is next revised, the District will notify employees and applicants for employment of the new designee. The equal employment opportunity officer is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of title 5, sections 53000 et seq. The equal employment opportunity officer is also responsible for receiving complaints described in Plan Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.

##### **College Equal Employment Opportunity Advisory Committees**

Each college has an Equal Employment Opportunity Advisory Committee to act as an advisory body to the equal employment opportunity officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Equal Employment Opportunity Advisory Committees shall assist in the implementation of the Plan in conformance with state and federal regulations and guidelines, monitor equal employment

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<sup>3</sup> Section 53020.



opportunity progress, and provide suggestions for Plan revisions as appropriate. A member from each college advisory committee shall serve as a member of the District wide committee.

### **Agents of the District**

Any organization or individual, whether or not an employee of the District, who acts on behalf of the governing board with regard to the recruitment and screening of personnel, is an agent of the District and is subject to all the requirements of this Plan.

### **Good Faith Effort**

The District shall make a continuous good faith effort to comply with all the requirements of this Plan.

## **5. ADVISORY COMMITTEE<sup>4</sup>**

The District has established a District-wide Equal Employment Opportunity Advisory Committee (the “Advisory Committee”) to assist the District in implementing its Plan. The Advisory Committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The Advisory Committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The equal employment opportunity officer shall train the Advisory Committee on equal employment compliance and the Plan itself. The Advisory Committee shall receive training in all of the following:

- the requirements of Title 5 and of state and federal nondiscrimination laws;
- identification and elimination of bias in hiring;
- the educational benefits of workforce diversity; and
- the role of the advisory committee in carrying out the District’s EEO plan.

The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District has been unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups.

The Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the Advisory Committee shall make recommendations to the Board of Trustees, the Chancellor, and the equal employment opportunity officer.

Each college has its own Equal Employment Opportunity Advisory Committee which shall be composed in a manner similar to the District-wide Equal Employment Opportunity Advisory committee and carry out similar functions regarding hiring and equal employment opportunity issues at that college.

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<sup>4</sup> Section 53005.

## 6. COMPLAINTS<sup>5</sup>

### **Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026).**

The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the sixty (60) day limitation. Complaints alleging violations of the Plan that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing.

A complainant may not appeal the District's determination pursuant to section 53026 to the State Chancellor's Office, but under some circumstances, violations of the equal opportunity regulations in Title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the State Chancellor's Office, but the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the college and/or District level using the process provided by section 53026. (See California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints at: <http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx> (Complaint Form) <http://extranet.cccco.edu/Divisions/Legal/Resources.aspx> (Guidelines for Minimum Conditions Complaints)).

The District may return without action any complaints that are inadequate because they do not state a clear violation of the EEO regulations. All returned complaints must include a District statement of the reason for returning the complaint without action.

The complaint shall be filed with the equal employment opportunity officer. If the complaint involves the equal employment opportunity officer, the complaint may be filed with the chief executive officer. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. The equal employment opportunity officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

In the event that a complaint filed under section 53026 alleges unlawful discrimination, it will be processed according to the requirements of section 59300 et seq.

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<sup>5</sup> Section 53026.

### **Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.)**

The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Vice Chancellor – Human Resources & Employee Relations is responsible for receiving such complaints and for coordinating their investigation. Campus complaint officers may be assigned investigation responsibilities. The District’s discrimination and sexual harassment complaint procedures are summarized in Administrative Procedure 2.19.2.

## **7. NOTIFICATION TO DISTRICT EMPLOYEES<sup>6</sup>**

The commitment of the Board of Trustees and the Chancellor to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the Plan.

The Plan and subsequent revisions will be distributed to the District’s Board of Trustees, the Chancellor, administrators, the academic senate leadership, union representatives and members of the District Equal Employment Opportunity Advisory Committees. The Plan will be available on the District’s website, and when appropriate, may be distributed by e-mail. Each year, the District office will provide all employees with a copy of the board’s Equal Employment Opportunity Policy Statement and written notice summarizing the provisions of the District’s Equal Employment Opportunity Plan. The policy statement will be printed in the college catalogs and class schedules. The Human Resources Department will provide all new employees with a copy of the written notice described above when they commence their employment with the District. The annual notice will contain the following provisions:

1. The importance of the employee’s participation and responsibility in ensuring the Plan’s implementation.
2. Where complete copies of the Plan are available, including in every campus library, on the college and District internet site and the Office of Human Resources.

## **8. TRAINING FOR SCREENING/SELECTION COMMITTEES<sup>7</sup>**

Any organization or individual, whether or not an employee of the District, who is involved in the recruitment and screening/selection of personnel shall – prior to their participation – receive training that includes, but is not limited to:

- the requirements of the Title 5 regulations on equal employment opportunity (section 53000 et. seq.)and of state and federal nondiscrimination laws;
- the educational benefits of workforce diversity;
- the elimination of bias in hiring decisions; and
- best practices in serving on a selection or screening committee.

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<sup>6</sup> Section 53003(c)(3).

<sup>7</sup> Section 53003(c)(4).

Persons serving in the above capacities will be required to receive training within the 12 months prior to service. This training is mandatory: individuals who have not received this training will not be allowed to serve on screening/selection committees. The Office of Human Resources is responsible for providing the required training. Any individual, whether or not an employee of the District, acting on behalf of the District with regard to recruitment and screening of employees is subject to the equal employment opportunity requirements of Title 5 and the District's Equal Employment Opportunity Plan.

## **9. ANNUAL WRITTEN NOTICE TO COMMUNITY-BASED AND PROFESSIONAL ORGANIZATIONS<sup>8</sup>**

The equal employment opportunity officer will provide annual written notice to appropriate community-based and professional organizations concerning the Plan. The notice will inform these organizations that they may obtain a copy of the Plan, and shall solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the Plan. The notice will also include the internet address where the District advertises its job openings and the names, departments and phone numbers of individuals to call in order to obtain employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources.

## **10. ANALYSIS OF DISTRICT WORKFORCE AND APPLICANT POOL<sup>9</sup>**

The District shall annually collect employee demographic data and shall monitor applicants for employment on an ongoing basis in order to evaluate the implementation of this Plan and to provide data needed for the reports required by this Plan. For purposes of the data collection and reports required to be made, each applicant or employee shall be afforded the opportunity to identify his or her gender, ethnic group identification and, if applicable, his or her disability. A person may designate multiple ethnic groups with which he or she identifies, but shall be counted in only one ethnic group for reporting purposes. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories.

The District shall gather information and conduct a periodic, longitudinal analysis of its employees and applications, broken down by numbers of persons from monitored group status in each of the following seven job categories:

- (1) executive/administrative/managerial;
- (2) faculty and other instructional staff;
- (3) professional nonfaculty;
- (4) secretarial/clerical;
- (5) technical and paraprofessional;
- (6) skilled crafts; and

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<sup>8</sup> Section 53003(c)(5).

<sup>9</sup> Section 53003(c)(6); Section 53004.

(7) service and maintenance.

Monitored groups are men, women, American Indians/Alaskan Natives (Native Americans), Asians, Blacks/African-Americans, Hispanics/Latinos, Pacific Islanders, Whites/Caucasians, and persons with disabilities.

The District shall annually report to the State Chancellor, in a manner prescribed by the State Chancellor, this data for the results of its annual survey of employees at each college in the district.

This information is gathered to determine whether additional measures are required pursuant to section 53006 and to implement and evaluate the effectiveness of those measures. However, in determining whether additional measures are necessary to ensure that monitored groups have not been excluded on an impermissible basis, analysis of the separate subgroups is not necessary. The District will review this information at least once every three years.

## **11. ANALYSIS OF DEGREE OF UNDERREPRESENTATION AND SIGNIFICANT UNDERREPRESENTATION<sup>10</sup>**

This component cannot be completed until such time as the State Chancellor's Office provides workforce availability data. At the time that such data is provided, the District will revise this component of the Plan.

## **12. METHODS TO ADDRESS UNDERREPRESENTATION<sup>11</sup>**

The District will ensure equal employment opportunity, which involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas, and that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups that are protected from discrimination. In so doing, the District places great emphasis on the recruitment of potential applicants in order to create a diverse pool of qualified individuals from which to hire. With a diverse pool, the District takes steps within the screening/selection process to allow for the hiring of candidates with varied backgrounds who can contribute and effectively communicate in a diverse community. The equal employment opportunity provisions are applicable to all full-time and part-time hiring, including any hiring meant to address the ratio of full-time to part-time faculty that may be required by Education Code section 87482.6.

This Plan component cannot be completed until such time as the State Chancellor's Office provides workforce availability data referenced in Title 5 section 53003(c)(7). At the time that such data is provided, the District will revise this component of the Plan.

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<sup>10</sup> Section 53003(c)(7).

<sup>11</sup> Section 53003(c)(8).

The District will continue, with the assistance of the Equal Employment Opportunity Advisory Committee, to implement its equal employment opportunity, hiring, recruitment, and promotional policies and procedures consistent with the following:

### **Recruitment**

Efforts will be undertaken on a regular basis to develop and contact new recruitment sources that ensure diverse pools of candidates. Diverse pools should include, but not be limited to, men, women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. College Equal Employment Opportunity Advisory Committees are encouraged to utilize and notify the district of additional recruitment options that may enable the district to obtain a diverse pool of applicants. All recruitment announcements will state that the district is an “Equal Employment Opportunity Employer.”

### **Job Announcements**

The District’s job announcements will state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For all positions, job requirements will include demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students. For faculty and administrative positions, requirements will also include knowledge of the history and culture of underrepresented groups and groups that have experienced discrimination. All faculty and administrative positions will state as a preferred or desired qualification knowledge of multiculturalism and training in cultural proficiency. Job specifications, including any “required,” “desired,” or “preferred” qualifications beyond the state minimum qualifications which the District wishes to utilize, will be reviewed by the equal employment opportunity officer before the position is announced, to ensure conformity with equal employment regulations and state and federal nondiscrimination laws. All job announcements shall state that the District is an “Equal Employment Opportunity Employer.”

For identified public contact or community liaison positions, bilingual ability in the language spoken by a significant number of students may be a required qualification. Before bilingual ability in the identified languages can be made a required qualification, the District will identify the specific positions that may require bilingual ability and the language(s) needed; and in which positions bilingual ability in a particular language may be listed as a required, preferred, or desired qualification.

### **Review of Initial and Qualified Applicant Pools<sup>12</sup>**

The application for employment shall provide for self-identification of the applicant’s gender, ethnic group identification and, if applicable, his or her disability. This information shall be kept confidential and shall be used only in research, monitoring, evaluating the effectiveness of the District's equal employment opportunity program, or any other purpose specifically authorized in Title 5, or by any applicable statute or regulation.

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<sup>12</sup> Section 53023.

After the application deadline has passed, the composition of the initial applicant pool shall be recorded and reviewed by the equal employment opportunity officer or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

The composition of the qualified applicant pool shall be reviewed and compared to the composition of the initial applicant pool. If the equal employment opportunity officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, appropriate action will be taken. This applicant pool data shall be reviewed in conducting the analysis described in Title 5 section 53006(a).

### **Screening/Selection Committee Procedures<sup>13</sup>**

The District seeks to employ qualified persons with a broad range of backgrounds and abilities who have the knowledge and experience to work effectively in a diverse environment. The selection process is based on merit, and will extend to all candidates a fair, impartial examination of qualifications based on job-related criteria.

All screening or and selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

- (1) provided to the State Chancellor upon request;
- (2) designed to ensure that for all positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students. “Meaningful consideration” means that candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position;
- (3) based solely on job-related criteria; and
- (4) designed to avoid an adverse impact, as defined above, and monitored by means consistent with this section to detect and address any adverse impact which does occur for any monitored group.

The District may not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry or sexual orientation, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law. The District will not apply the Plan in a rigid manner which has the purpose or effect of so discriminating.

The District shall review all of its job specifications to ensure that seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of this Plan.

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<sup>13</sup> Section 53024.

Selection testing for employees shall follow procedures as outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

Whenever possible, screening committees shall include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.

The Board of Trustees or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and to order further review by the screening committee or to reopen the position where necessary to further achievement of the objectives of this Plan or to ensure equal employment opportunity. However, a consistent pattern of not hiring qualified candidates from a monitored group who are recommended by screening committees may give rise to an inference that the selections are not consistent with the objectives of equal employment opportunity.

### **13. ADDITIONAL MEASURES TO SUPPORT DIVERSITY AND ENSURE EQUAL EMPLOYMENT OPPORTUNITY<sup>14</sup>**

The District shall review the information gathered pursuant to Title 5 section 53003(c)(6) (Component 10) to determine if significant underrepresentation of a monitored group may be the result of non job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention and promotion. The information to be reviewed shall include, but need not be limited to:

- (1) longitudinal analysis of data regarding job applicants, gathered pursuant to section 53003(c)(6), to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool;
- (2) analysis of data regarding potential job applicants, to the extent provided by the State Chancellor, which may indicate significant underrepresentation of a monitored group; and
- (3) analysis pursuant to section 53003(c)(7) to determine whether the group is significantly underrepresented.

Where the review described above identifies that significant underrepresentation of a monitored group may be the result of non-job related factors in the employment process, districts shall implement additional measures designed to address the specific area of concern. These additional measures shall include the following:

- (1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

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<sup>14</sup> Section 53006.



- (2) consider various other means of reducing the significant underrepresentation which do not involve taking monitored group status into account, and implement any such techniques which are determined to be feasible and potentially effective;
- (3) determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place a reasonable period of time; and
- (4) review each locally established "required," "desired" or "preferred" qualification being used to screen applicants for positions in the job category to determine if it is job-related and consistent with:

- (A) any requirements of federal law; and
- (B) qualifications which the Board of Governors has found to be job-related throughout the community college system, including the requirement that applicants for academic and administrative positions demonstrate sensitivity to the diversity of community college students; or

- (5) discontinue the use of any locally established qualification that has not been found to satisfy the requirements set forth in paragraph (1)(4) of this subdivision; and
- (6) continue using qualification standards meeting the requirements of paragraph (4) of this subdivision only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of paragraph (4) and be expected to have a less exclusionary effect; and
- (7) consider the implementation of additional measures designed to promote diversity that are reasonably calculated to address the area of specific need.

For purposes of this section, "a reasonable period of time" means three years, or such longer period as the State Chancellor may approve, upon the request of the Equal Employment Opportunity Advisory Committee and the District Chancellor, where the District has not filled enough positions to appreciably affect its work force in the job category in question.

The District will continue, with the assistance of the Equal Employment Opportunity Advisory Committee, to implement its equal employment opportunity, hiring, recruitment, and promotional policies and procedures.

#### **14. DEVELOPING AND MAINTAINING AN INSTITUTIONAL COMMITMENT TO DIVERSITY<sup>15</sup>**

The District recognizes that establishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized effort and that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment

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<sup>15</sup> Section 53003(c)(9); Section 53024.1.

that fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination.

Having a District that has accepted principles of diversity and multiculturalism can make implementation and maintenance of an effective equal employment opportunity program much easier. For that reason, institutionalizing a diversity program that is well planned out, well funded, and supported by the leadership of the District can be of great value.

The District will sponsor cultural events and speakers on issues dealing with diversity, and explore how to infuse diversity into the classroom and curriculum. The District will promote the concept of cultural proficiency and it will develop an evaluation form that integrates diversity into the evaluation of employees. The District will also promote learning opportunities and personal growth in the area of diversity and evaluate how the physical environment can be responsive to its diverse employee and student populations.

This District shall locally develop, and implement on a continuing basis, indicators of its institutional commitment to diversity such as:

- a. conducting surveys of campus climate on a regular basis, and implements concrete measures that utilize the information drawn from the surveys.
- b. conducting exit interviews with employees who voluntarily leave the district, maintains a data base of exit interviews, analyzes the data for patterns impacting particular monitored groups, and implements concrete measures that utilize this information.
- c. providing training on elimination of bias in hiring and employment.
- d. providing cultural awareness training to members of the campus community.
- e. maintaining a variety of programs to support newly-hired employees such as mentoring, professional development, and leadership opportunities.
- f. auditing and/or maintenance of job descriptions and/or job announcements
- g. providing training for the board of trustees receives on the elimination of bias in hiring and employment at least once every election cycle.
- h. timely and thoroughly investigating all harassment and discrimination complaints, and takes appropriate corrective action in all instances where a violation is found.
- i. timely complying with the requirements of Government Code section 12950.1 (AB1825), and includes all forms of harassment and discrimination in the training.
- j. having District publications and the website convey its diversity and commitment to equal employment opportunity.
- k. having a mission statement that conveys its commitment to diversity and inclusion, and recognition that a diverse and inclusive workforce promotes its educational goals and values.
- l. requiring applicants for all positions to demonstrate sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students in a manner specific to the position.
- m. encouraging staff members serve as resources, consultants, mentors and/or leaders to colleagues at other districts in the areas of EEO and diversity enhancement.

- n. maintaining updated curricula, texts, and/or course descriptions to expand the global perspective of the particular course, readings or discipline.
- o. addressing issues of inclusion/exclusion in a transparent and collaborative fashion.
- p. attempting to gather information from applicants who decline job offers to find out why, records this information, and utilizes it.
- q. conducting longitudinal analysis of various employment events by monitored group status such as: hiring, promotion, retention, voluntary resignation, termination, and discipline.
- r. Highlight the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications.
- s. Conduct diversity dialogues, forums, and cross-cultural workshops.
- t. Recognize and value staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.
- u. Establish an "Equal Employment Opportunity and Diversity" online presence by highlighting the District's diversity and equal employment opportunity, ADA, sexual harassment and nondiscrimination policies, procedures and programs on the District's website. The website will also list contact persons for further information on all of these topics.
- v. Promote various cultural celebrations on campus.
- w. Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for community college employees.
- x. Have a formal diversity program on campus that is visible, valued and adequately funded.
- y. Develop leadership opportunities with current staff focusing on diversity.
- z. Ensure that top administrative staff support diversity objectives and that the diversity and/or equal employment opportunity officer position is maintained as a cabinet or other high-level administrative position.
- aa. Seek direct contact with student, professional, community and other organizations that represent the diverse community we serve. These organizations can serve as resources for referring potential candidates.

## **15. ACCOUNTABILITY AND CORRECTIVE ACTION<sup>16</sup>**

The District shall annually certify to the State Chancellor that it has timely complied with all of the following:

- (1) recorded, reviewed and reported the data required regarding qualified applicant pools;
- (2) reviewed and updated, as needed, the Strategies Component of the Plan;
- (3) investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of Title 5.

## **16. PERSONS WITH DISABILITIES: ACCOMMODATIONS**

Applicants and employees with disabilities shall receive reasonable accommodations consistent with the requirements of Government Code, sections 11135 et seq. and 12940(m); section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aides such as readers, interpreters, and note takers.

The Office of Human Resources is responsible for handling requests from applicants and employees seeking reasonable accommodations.

## **17. GRADUATE ASSUMPTION PROGRAM OF LOANS FOR EDUCATION**

The District will encourage community college students to become qualified for, and seek employment as, community college employees. The District shall research and inform students about programs that may assist them to complete their graduate studies and become community college employees. The District will post informational flyers on the campuses concerning such programs, and make information available in student newspapers, the course catalog, and in locations accessible to students, including but not limited to, Counseling, Financial Aid, Admissions and Records, the Bookstore, and the Student Center. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

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<sup>16</sup> Section 53024.2.